

Senate Amendment 3159

PAG LIN

1 1 Amend Senate File 369 as follows:
1 2 #1. Page 2, by inserting after line 9 the
1 3 following:
1 4 <Sec. _____. Section 49.53, unnumbered paragraph 1,
1 5 Code 2007, is amended to read as follows:
1 6 The commissioner shall not less than four nor more
1 7 than twenty days before the day of each election,
1 8 except those for which different publication
1 9 requirements are prescribed by law, publish notice of
1 10 the election. The notice shall contain a facsimile of
1 11 the portion of the ballot containing the first
1 12 rotation as prescribed by section 49.31, subsection 2,
1 13 and shall show the names of all candidates or nominees
1 14 and the office each seeks, and all public questions,
1 15 to be voted upon at the election. The sample ballot
1 16 published as a part of the notice may at the
1 17 discretion of the commissioner be reduced in size
1 18 relative to the actual ballot but such reduction shall
1 19 not cause upper case letters appearing in candidates'
1 20 names or in summaries of public measures on the
1 21 published sample ballot to be less than ninety percent
1 22 of the size of such upper case letters appearing on
1 23 the actual ballot. The notice shall also state the
1 24 date of the election, the hours the polls will be
1 25 open, the location of each polling place at which
1 26 voting is to occur in the election, the location of
1 27 the polling places designated as early ballot pick-up
1 28 sites, and the names of the precincts voting at each
1 29 polling place, but the statement need not set forth
1 30 any fact which is apparent from the portion of the
1 31 ballot appearing as a part of the same notice. The
1 32 notice shall include the full text of all public
1 33 measures to be voted upon at the election. ~~The notice~~
~~1 34 shall also include notice of testing required pursuant~~
~~1 35 to sections 52.9, 52.35, and 52.38.->~~
1 36 #2. Page 6, by inserting after line 27 the
1 37 following:
1 38 <Sec. _____. Section 52.9, unnumbered paragraph 2,
1 39 Code 2007, is amended to read as follows:
1 40 It shall be the duty of the commissioner or the
1 41 commissioner's duly authorized agents to examine and
1 42 test the voting machines to be used at any election,
1 43 after the machines have been prepared for the election
1 44 and not less than twelve hours before the opening of
1 45 the polls on the morning of the election. For any
1 46 election to fill a partisan office, the county
1 47 chairperson of each political party referred to in
1 48 section 49.13 shall be notified in writing of the
1 49 date, time, and place the machines shall be
1 50 examined and tested so that they may be present, or
2 1 have a representative present. For every election,
2 2 the commissioner shall include the publish notice of
2 3 the date, time, and place the examination and testing
2 4 will be conducted. The commissioner may include such
2 5 notice in the notice of the election published as
~~2 6 required by pursuant to section 49.53.~~ Those present
2 7 for the examination and testing shall sign a
2 8 certificate which shall read substantially as
2 9 follows:>
2 10 #3. Page 7, by inserting after line 16 the
2 11 following:
2 12 <Sec. _____. Section 52.35, unnumbered paragraph 1,
2 13 Code 2007, is amended to read as follows:
2 14 ~~Within five days before~~ Before the date of any
2 15 election at which votes are to be cast by means of an
2 16 ~~electronic optical scan voting system and tabulated at~~
~~2 17 a counting center established under section 52.34, the~~
2 18 ~~commissioner in charge of the counting center where~~
~~2 19 votes so cast are to be tabulated~~ shall have the
2 20 automatic tabulating equipment, including the portable
2 21 tabulating devices, tested to ascertain that it will
2 22 correctly count the votes cast for all offices and on
2 23 all public questions. Testing shall be completed not
2 24 later than twelve hours before the opening of the

2 25 ~~polls on the morning of the election.~~ The procedure
2 26 for conducting the test shall be as follows:
2 27 Sec. ____ Section 52.35, subsections 1 and 3, Code
2 28 2007, are amended to read as follows:
2 29 1. For any election to fill a partisan office, the
2 30 county chairperson of each political party shall be
2 31 notified in writing of the date, time, and place the
2 32 test will be conducted, so that they may be present or
2 33 have a representative present. For every election,
2 34 the commissioner shall ~~include such~~ publish notice of
2 35 the date, time, and place the test will be conducted.

~~2 36 The commissioner may include such notice in the notice
2 37 of the election published as required by pursuant to
2 38 section 49.53. The test shall be open to the public.
2 39 3. The test group of ballots used for the test
2 40 shall be clearly labeled as such, and retained in the
2 41 counting center commissioner's office. The test
~~2 42 prescribed in subsection 2 shall be repeated
2 43 immediately before the start of the official
2 44 tabulation of ballots cast in the election, and again
2 45 immediately after the tabulation is completed. The
2 46 test group of ballots and the programs used for the
2 47 counting procedure shall be sealed, retained for the
2 48 time required for and disposed of in the same manner
2 49 as ballots cast in the election.~~~~

2 50 Sec. ____ Section 52.35, Code 2007, is amended by
3 1 adding the following new subsection:

3 2 NEW SUBSECTION. 4. Those present for the test
3 3 shall sign a certificate which shall read
3 4 substantially as follows:

3 5 The undersigned certify that we were present and
3 6 witnessed the testing of the following tabulating
3 7 devices, that we believe the devices are in proper
3 8 condition for use in the election of (date);
3 9 that following the test the vote totals were erased
3 10 from the memory of each tabulating device and a report
3 11 was produced showing that all vote totals in the
3 12 memory were set at 0000; that the devices were
3 13 securely locked or sealed; and that the serial numbers
3 14 and locations of the devices which were tested are
3 15 listed below.

3 16 Signed
3 17 (name and political party affiliation,
3 18 if applicable)
3 19
3 20 (name and political party affiliation,
3 21 if applicable)
3 22
3 23 Voting equipment custodian
3 24 Dated
3 25 Precinct Location Serial Number
3 26
3 27
3 28>

3 29 #4. By striking page 10, line 16, through page 11, line 8.

3 30 #5. By striking page 17, line 34, through page 18, line 24.

3 31 #6. By renumbering, redesignating, and correcting internal
3 32 references as necessary.

3 33
3 34
3 35
3 36 _____
3 36 MICHAEL CONNOLLY
3 37 SF 369.701 82
3 38 sc/gg/7948